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FILED

FEBRUARY 9, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Sandra Y. Dick, Senior Deputy Attorney General
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF,	:	
	:	
	:	CONSENT ORDER
EDWARD A. CAPRIOLA, M.D.	:	
License No. MA 024152	:	
	:	
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the Medical Practitioner Review Panel (hereinafter, "Panel") of the New Jersey State Board of Medical Examiners (hereinafter, "Board") upon receipt of information that Dr. Capriola's privileges at St. James Hospital had been suspended in July of 2005 due to the lack of malpractice insurance, and that his license to practice medicine and surgery in the State of New Jersey had expired on June 30, 2005 and had not been renewed. The Panel received further information that Dr. Capriola continued to practice medicine following his notification by the Board on or about August 13, 2005 that he possessed neither

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a license to practice nor malpractice insurance. Dr. Capriola had previously appeared for investigative inquiry before the Panel in February of 2005 regarding allegations that he had previously practiced medicine without having malpractice insurance and that he had abandoned patients. Following entry of an Interim Consent Order on October 21, 2005, providing that Dr. Capriola would voluntarily cease and desist the practice of medicine in New Jersey, the Board and Panel reviewed information that Respondent had nonetheless continued on a daily basis to practice medicine in New Jersey. At an appearance before the Panel on November 18, 2005, Respondent testified falsely that he ceased practicing medicine when advised by the Board in August 2005 that he did not hold a valid license to practice nor malpractice insurance; and testified falsely that other physicians covered his practice and signed hundreds of prescriptions written on his New Jersey prescription blanks. Respondent's patient records contained false notices of coverage by a Locum Tenens physician, and Respondent's treatment of himself as recorded in his patient record contained a false note that it was reviewed and approved by another physician. Respondent also falsely testified on November 18, 2005 to the veracity of these notices. The Board finds all of such testimony by Respondent to be false in violation of N.J.S.A. 45:1-21(b) and that he continuously practiced medicine from June 30, 2005 until December 9, 2005 treating hundreds of patients and writing hundreds

of prescriptions without a valid license or malpractice insurance in violation of the October 21, 2005 Consent Order, N.J.S.A. 45:1-21(b) and (e), N.J.S.A. 45:1-7.1(c) and N.J.S.A. 45:9-6, - 6.1 and -18.

As Respondent has now acknowledged to the Board that he repeatedly engaged in the practice of medicine in the State of New Jersey without a license and without malpractice insurance and that he made false representations to the Panel regarding such practice; and the Board and Respondent agreeing to resolve this matter without resort to further proceedings; and the Board finding the within Order is sufficiently protective of the public interest and for good cause shown;

IT IS ON THIS 8th DAY OF February 2006,

ORDERED THAT:

1. Respondent, Edward A. Capriola, M.D. is hereby granted leave and shall immediately surrender his license to practice medicine and surgery in the State of New Jersey to be deemed a revocation of such license. He shall fully comply with the directives for a licensee whose license is revoked, attached hereto and made a part hereof.

2. Respondent shall return his original New Jersey license and current biennial registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Second

Floor, Trenton, New Jersey 08608, upon his receipt of a filed copy of this Order.

3. Respondent shall return his original CDS registration to the New Jersey State Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Second Floor, Trenton, New Jersey 08608, upon his receipt of a filed copy of this Order.

4. Respondent shall immediately advise the DEA of this Order.

5. Respondent shall undergo a complete psychiatric evaluation at his expense which shall include at a minimum a personal interview, a medical history, a mental status examination and psychological testing, and shall cause a report of the evaluation to be forwarded to the Board within two months of the date of this Order. The evaluation and report is to be completed by David J. Gallina, M.D., P.A. ((201) 447-0550 in Wyckoff, New Jersey), or Thomas Sprague, M.D. ((973) 325-6120 in West Orange, New Jersey). Respondent shall inform the Board of his selection of evaluator not later than five (5) business days prior to initiation of the evaluation, so that the Board can provide relevant background information to the evaluator. Respondent shall comply with all recommendations of the evaluation, including but not limited to entering psychotherapy.

6. Within 90 days of the entry of this Order, Respondent shall undergo at his expense a substance abuse evaluation under the

auspices of Dr. Louis Baxter of the Physician Assistance Program, located at 742 Alexander Road, P.O. Box 8568, Princeton, New Jersey 08543. In furtherance of such evaluation, Respondent shall inform the Board, not later than five (5) business days prior to initiation of such evaluation, so that the Board can provide relevant background information to the PAP. Respondent shall comply with all recommendations of the evaluation.

7. Respondent shall cooperate fully in the evaluation process, regarding the evaluations in paragraphs 5 and 6 above, including cooperating with all requests of the Board and the evaluators, by keeping appointments in a timely fashion, by supplying the evaluators with copies of all prior psychiatric evaluations, diagnoses and treatment and by completing all tests, interviews and other procedures required by the evaluators.

8. Respondent hereby authorizes the Evaluators to provide reports to the Board. Respondent expressly waives any claim to privilege or confidentiality of any information regarding the evaluations in paragraphs 5 and 6 above whether obtained from the evaluators or any other health care provider or any other entity. Respondent specifically agrees that any such information may be utilized by the Board in connection with any proceedings relevant to his licensure.

9. Respondent shall pay costs for the investigation of this matter in the amount of \$12,462.61. Such costs shall be paid by

certified check or money order made payable to the State of New Jersey and submitted to the State Board of Medical Examiners, P.O. Box 183, 140 E. Front Street, Trenton, New Jersey 08625 within thirty days (30) of entry of this Order. Alternatively, respondent may apply to pay the costs in installments in which event he shall also pay interest at the rate set by the Rules of Court. The first installment shall be paid on or before the 15th of the month after which it is approved, and the remaining installments shall be paid on or before the fifteenth (15) day of each successive month. In the event that a monthly payment is not received within ten (10) days of the due date, the entire balance of the costs shall become due and owing. No application for reinstatement shall be entertained until such time as the costs are paid in full.

10. Respondent may not apply for reinstatement of his license until at least six (6) months have elapsed following service of this Order. Prior to such application, Respondent shall:

a. Request an appearance before the Board or a committee thereof to discuss his readiness to reenter the practice of medicine. At that time Respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation resulting from any psychological condition or the use of C.D.S. which could affect his practice.

c. Provide the Board with evidence that he is not presently engaged in drug use that is likely to impair

the ability to practice with reasonable skill and safety in violation of N.J.S.A. 45:1-21(1).

d. Provide the Board with reports from each and every medical professional and mental health professional (including but not limited to: physicians, psychologists, counselors, therapists), who has participated in Respondent's evaluations, care and/or treatment during the period of time from his entry into this Order to his appearance. Such reports shall affirmatively recommend Respondent's reentry into practice.

e. Provide the Board with a report from the Physician Assistance Program detailing the nature and extent of his involvement with that entity and with a position statement of the PAP recommending Respondent's reentry into practice.

f. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of medicine and surgery within New Jersey.

g. Provide the Board with a full account of his conduct during the intervening period of time from his entry into the Order of October 21, 2005 until his appearance pursuant to this Order.

h. Present proof of resolution of all criminal charges now pending against Respondent, and substantiating that he has met his child support obligations under New Jersey law and his license to practice medicine is not thus subject to suspension pursuant to N.J.S.A. 2A:17-56.41.

i. Present proof that he has fully attended and successfully completed an ethics course pre-approved by the Board.

j. Present proof that he has fully attended and successfully completed a record keeping course pre-approved by the Board.

k. Present proof satisfactory to the Board that he has fully complied with all terms of this Order.

11. It is expressly understood that upon any application for reinstatement of license, the burden shall be upon respondent to

demonstrate he is fit and competent to practice; and that if the Board determines to reinstate respondent's license, it may impose such conditions and limitations as it deems necessary for the protection of the public health, safety and welfare in its sole discretion.

12. The entry of this Order is without prejudice to the further investigation and/or prosecution of any violations by respondent of any statutes or regulations governing the practice of medicine in this State or any other violations of law by the board, the Attorney General or any other regulatory or law enforcement agency.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: Sindy Paul MD
Sindy Paul, M.D.
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Edward A. Capriola M.D.
EDWARD A. CAPRIOLA, M.D.

I consent to the form and
entry of this Order.

Lawrence R. Maddock 2/1/06

LAWRENCE R. MADDOCK, ESQ.
ATTORNEY FOR EDWARD A. CAPRIOLA, M.D.